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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/466,405	12/17/1999	FARRELL L. OSTLER	PHA23.891	1131

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

MEONSKE, TONIA L

ART UNIT	PAPER NUMBER
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2183

DATE MAILED: 10/22/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/466,405

Applicant(s)

OSTLER ET AL.

Examiner

Tonia L Meonske

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-12, 14, 16-18, 20-23, 25, 26 and 29 is/are rejected.
- 7) ☒ Claim(s) 13, 15, 19, 24, 27 and 28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 December 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Furthermore, the method/claims must be shown in the drawings, for example in a flow chart, or the feature(s) canceled from the claim(s). No new matter should be entered.
2. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Objections

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 10, 12, 14, 18, 22, and 26 are objected to for failing to comply with 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. Claim 10 recites the limitation "wherein the second program instruction excludes a fourth field" in line 17. There is insufficient antecedent basis for this limitation in the claim. The second program instruction never had a fourth field, therefor the fourth field cannot be excluded because it doesn't exist in the claim language yet.

7. Claim 12 recites the limitation "wherein the second program instruction excludes a sixth field" in line 4. There is insufficient antecedent basis for this limitation in the claim. The second program instruction never had a sixth field, therefor the sixth field cannot be excluded because it doesn't exist in the claim language yet.
8. Claim 14 recites the limitation "wherein the second program instruction excludes a sixth field" in line 10. There is insufficient antecedent basis for this limitation in the claim. The second program instruction never had a sixth field, therefor the sixth field cannot be excluded because it doesn't exist in the claim language yet.
9. Claim 18 recites the limitation "wherein the second program instruction excludes a fourth field" in line 17. There is insufficient antecedent basis for this limitation in the claim. The second program instruction never had a fourth field, therefor the fourth field cannot be excluded because it doesn't exist in the claim language yet.
10. Claim 22 recites the limitation "wherein the second program instruction excludes a third field" in line 15. There is insufficient antecedent basis for this limitation in the claim. The second program instruction never had a third field, therefor the third field cannot be excluded because it doesn't exist in the claim language yet.
11. Claim 26 recites the limitation "wherein the second program instruction excludes a third field" in line 15. There is insufficient antecedent basis for this limitation in the claim. The second program instruction never had a third field, therefor the third field cannot be excluded because it doesn't exist in the claim language yet.
12. Claims 11, 13, 15, 16, 17, 19, 20, 21, 23, 24, 25, 27, 28, and 29 are objected to for incorporating all of the defects of claims 10, 18, 22, and 26.

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13. Appropriate correction is required.

14. Claim Rejections - 35 USC § 102

15. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

16. Claims 10, 11, 12, 14, 16, 17, 18, 20, 21, 22, 23, 25, 26, and 29 are rejected under 35

U.S.C. 102(e) as being clearly anticipated by Natarjan et al, US Patent 5,857,104.

17. Referring to claim 10, Natarjan et al. have taught a processing system, comprising:

- a. a device operable to decode a first program instruction into a first microcode instruction, said device further operable to decode a second program instruction into a second microcode instruction (abstract, column 11, line 65-column 12, line 3, column 5, lines 9-62);
- b. a circuit in electrical communication with said device, said circuit operable to process the first microcode instruction subsequent to a first decoding of the first program instruction by said device, said circuit further operable to process the second microcode instruction subsequent to a second decoding of the second program instruction by said device and a first processing of the first microcode instruction by said circuit (abstract, column 11, line 65-column 12, line 3, column 5, lines 9-62, This limitation is inherent for the microcoded implementation.);

- c. wherein the first program instruction includes a first field defining a first jump type to be decoded by said device (column 5, lines 9-62, See the first step. The prediction bit is the jump type.);
- d. wherein the first program instruction further includes a second field defining a first destination address to be decoded by said device (column 5, lines 9-62);
- e. wherein the second program instruction includes a third field defining a second jump type to be decoded by said device (column 5, lines 9-62, See the 3rd step. The field in the final instruction that performs the actual branch.); and
- f. wherein the second program instruction excludes a fourth field defining a second destination address to be decoded by said device (column 5, lines 9-62, The final instruction does not have a target address field.).

18. Referring to claim 11, Natarjan et al. have taught the processing system of claim 10, as described above, and

- a. wherein said device is further operable to store the first destination address as a default-destination-address as a result of the first decoding of the first program instruction by said device (Column 5, lines 35-45); and
- b. wherein said device is further operable to include the first destination address in the second microcode instruction as a result of the second decoding of the second program instruction by said device (Column 5, lines 35-45).

19. Referring to claim 12, Natarjan et al. have taught the processing system of claim 10, as described above, and

- a. wherein the first program instruction includes a fifth field defining a first jump condition to be decoded by said device (column 5, lines 9-62, Prepare to branch instruction.);
- b. wherein the second program instruction excludes a sixth field defining a second jump condition to be decoded by said device (column 5, lines 9-62, The final instruction does not have a jump condition.).

20. Referring to claim 14, Natarjan et al. have taught the processing system of claim 10, as described above, and

- a. wherein said device is further operable to decode a third program instruction into a third microcode instruction (column 5, lines 9-62, See the 2nd step. Compare to predicate instruction.);
- b. wherein said circuit is further operable to process the third microcode instruction subsequent to the first processing of the first microcode instruction by said circuit, prior to the second decoding of the second program instruction by said device and subsequent to a third decoding of the third program instruction by said device (A first instruction, prepare-to-branch instructions, is processed first, a third instruction, compare to predicate, is processed next, and then a second instruction, the final instruction, is processed last.);
- c. wherein the third program instruction includes a fifth field defining a first jump condition to be decoded by said device (column 5, lines 9-62, See the 2nd step that is the Compare-to-predicate instruction.);

d. wherein the second program instruction excludes a sixth field defining a second jump condition to be decoded by said device (column 5, lines 9-62, The final instruction does not have a jump condition.).

21. Referring to claim 16, Natarjan et al. have taught the processing system of claim 10, as described above, and wherein the first jump type is one of a branch instruction or a call instruction (column 5, lines 9-62).
22. Referring to claim 17, Natarjan et al. have taught the processing system of claim 10, as described above, and wherein the second jump type is one of a branch instruction or a call instruction (column 5, lines 9-62).
23. Claim 18 does not recite limitations above the claimed invention set forth in claims 10 and 12 and is therefore rejected for the same reasons set forth in the rejection of claims 10 and 12 above.
24. Claim 20 does not recite limitations above the claimed invention set forth in claim 16 and is therefore rejected for the same reasons set forth in the rejection of claim 16 above.
25. Claim 21 does not recite limitations above the claimed invention set forth in claim 17 and is therefore rejected for the same reasons set forth in the rejection of claim 17 above.
26. Claim 22 does not recite limitations above the claimed invention set forth in claim 10 and is therefore rejected for the same reasons set forth in the rejection of claim 10 above.
27. Claim 23 does not recite limitations above the claimed invention set forth in claim 11 and is therefore rejected for the same reasons set forth in the rejection of claim 11 above.
28. Claim 25 does not recite limitations above the claimed invention set forth in claim 17 and is therefore rejected for the same reasons set forth in the rejection of claim 17 above.

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29. Claim 26 does not recite limitations above the claimed invention set forth in claims 10 and 12 and is therefore rejected for the same reasons set forth in the rejection of claims 10-12 above.

30. Claim 29 does not recite limitations above the claimed invention set forth in claim 17 and is therefore rejected for the same reasons set forth in the rejection of claim 17 above.

Response to Arguments

31. Applicant's arguments with respect to claims 10, 11, 12, 14, 16, 17, 18, 20, 21, 22, 23, 25, 26, and 29 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

32. Claims 13, 15, 19, 24, 27 and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if 112 objections to the claim are corrected and the claims are rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

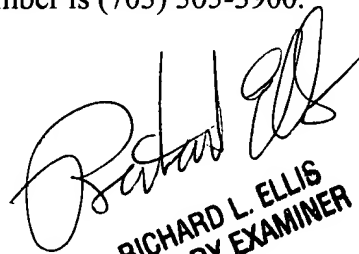
33. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tonia L Meonske whose telephone number is (703) 305-3993. The examiner can normally be reached on Monday-Friday, 9-6:30.

34. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie P Chan can be reached on (703) 305-9712. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

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35. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

tlm
October 9, 2003



RICHARD L. ELLIS
PRIMARY EXAMINER